

In re Tesla, Inc. Securities Litigation, Case No. 3:18-cv-04865-EMC (N.D. Cal.)
Plaintiff's Witness and Exhibit List for Day 6 - January 25, 2023

Witness	Ex.	Defendants' Objection	Plaintiff's Response	Ruling
Antonio Gracias	8	Already admitted.		
Antonio Gracias	12	Already admitted.		
Antonio Gracias	13	Already admitted.		
Antonio Gracias	53	Already admitted.		
Antonio Gracias	81	Already admitted.		
Antonio Gracias	82	No objection.		
Antonio Gracias	83	Already admitted.		
Antonio Gracias	89	No objection.		
Antonio Gracias	96	No objection.		
Antonio Gracias	101	No objection.		
Antonio Gracias	102	No objection.		
Antonio Gracias	103	Already admitted.		
Antonio Gracias	104	Fed. R. Evid. 602, 403. Mr. Gracias is not on the e-mail chain.	Exhibit 104 explicitly states that "Antonio [Gracias]" had input on the contents of this email, including that Mr. Musk should take a break from Twitter. Mr. Gracias has testified that he had spoken with Mr. Musk about his Twitter usage. Therefore, Mr. Gracias has personal knowledge of the contents of this email. Additionally, the Court has already held that questions relating to the "pedo" tweet are not unduly prejudicial under 403.	
Antonio Gracias	130	No objection.		
Antonio Gracias	137	No objection.		
Antonio Gracias	139	No objection.		
Antonio Gracias	154	No objection.		
Antonio Gracias	165	Fed. R. Evid. 602. This is Mr. Musk's call log, and Mr. Gracias will not have personal knowledge.	Mr. Musk called Mr. Gracias three times on August 8, 2018 and they spoke for over 12 minutes. Mr. Gracias also called Mr. Musk three times on	

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			August 11 and they spoke for approximately 40 minutes. As Mr. Gracias was a part of those conversations, can testify to his phone number, the length of the conversation, and the topics of conversation, he has personal knowledge.	
Antonio Gracias	171	The Court previously overruled Defendants' objections to Exhibit 171.		
Antonio Gracias	201	No objection.		
Antonio Gracias	321	The Court previously overruled Defendants' objections to Exhibit 321.		
Egon Durban	8	Already admitted.		
Egon Durban	12	Already admitted.		
Egon Durban	13	Already admitted.		
Egon Durban	53	Already admitted.		
Egon Durban	101	No objection.		
Egon Durban	174	No objection.		
Egon Durban	175	No objection.		
Egon Durban	176	Fed. R. Evid. 801.	Withdrawn.	
Egon Durban	177	No objection.		
Egon Durban	178	Fed. R. Evid. 401, 402, 403. This 2017 article has no connection to the case.	Exhibit 178 is an article where Silver Lake and Egon Durban use the term "secured" relating to financing. At issue in the case is whether Elon Musk and/or Tesla made untrue statements of a material fact in connection with the purchase or sale of securities. Defendants argue the statements were not material because the false statements did not give the reasonable investor an impression of a state of affairs that differed in a material way from the one that	

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			actually existed. Mr. Durban will testify to what "secured" meant in the context of financing in Exhibit 178, and therefore, will inform the jury of how that term is used and contrast it with the state of affairs at the time of the false statements.	
Egon Durban	179	No objection.		
Egon Durban	181	No objection.		
Egon Durban	185	No objection.		
Egon Durban	190	No objection.		
Egon Durban	191	No objection.		
Egon Durban	194	No objection.		
Egon Durban	196	No objection.		
Egon Durban	199	No objection.		
Egon Durban	201	No objection.		